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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,691	01/26/2004	Adam Licsko	SS-102U	1420
35693	7590	05/08/2007	EXAMINER	
THE SONI LAW FIRM 55 S. LAKE AVE SUITE 720 PASADENA, CA 91101			OLSON, MARGARET LINNEA	
		ART UNIT	PAPER NUMBER	
		3782		
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		05/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/765,691	LICSKO, ADAM
	Examiner Margaret L. Olson	Art Unit 3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extension of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 March 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvey (S 4,211,219) in view of Roberts (US 5,826,763). Alvey discloses a personal load-bearing device 56 with a convex vertical side 64 for distributing the load more comfortably over the hip (column 3 lines 17-19), and a cargo support member extending away from and integrally formed with the vertical member. The cargo support has an upper surface 62. An oblong slot 58 couples the device to a belt. Alvey does not disclose that the upper surface of the cargo support member is below the superior aspect of the vertical member. Roberts teaches a personal load bearing device 10 with a vertical member 26, a cargo support member 15 located below the superior aspect of the vertical member (figure 4D) forming a guard above the intersection between the vertical member 26 and the cargo support member 15, and a sleeve 12 for coupling the device to a belt. It would have been obvious to one of ordinary skill in the art at the time of invention to lower the cargo support surface 62 of Alvey to below the uppermost point of the vertical member so that the load carried does not slip off the top of the carrier and lean against the user's hip (Roberts column 1; lines 53-59).

With respect to claim 2, the primary reference Alvey discloses the means for coupling the device to a belt as an oblong cavity 58 defined by the upper aspect of the through which belt 50 is passed (column 2 lines 48-54).

With respect to claim 4, Alvey does not disclose that the cargo support member is attached to the vertical member at an upward angle. Roberts teaches that the cargo support member 15 attaches to the vertical support member at an upward acute angle, because the angle of its end face 24 is not perpendicular to the longer axis of the support arm (column 3, lines 42-44, figure 4D). It would have been obvious to one of ordinary skill in the art at the time of invention to have the cargo support member surface of Alvey as modified by Roberts intersect the vertical support member at an upwardly acute angle in order to tilt loads upward so that they are more easily carried.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alvey (S 4,211,219) in view of Roberts (US 5,826,763) as described in paragraph 4, and further in view of Reichert (US 5,511,707). Alvey as modified does not disclose a clip for coupling the device with a belt. Reichert teaches a clip 13 attached to a vertical segment 11 for securing a load-supporting device 10 to a belt (column 2 line 65-column 3 line 3). It would have been obvious to one of ordinary skill in the art at the time of invention to use a clip on the load-carrying device of Alvey as modified by Roberts so that the support can be easily attached to and removed from the belt.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvey (S 4,211,219) in view of Roberts (US 5,826,763) as described in paragraph 3, and further in view of Colombo et al. (US 4,901,898). Roberts shows the sleeve 12 for

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connecting the load-bearing device to a belt as substantially above the level of the cargo support surface (figure 4D). Colombo et al. teaches a carrier for infants mounted on a belt around the waist and specifies that the top of the groove G for holding the belt should be substantially higher than the bottom of the seat, or cargo-carrying portion, of the device. It would have been obvious to one of ordinary skill in the art at the time of invention to position the oblong cavity for the belt above the cargo support surface of Alvey as modified by Roberts so that the load can be positioned more comfortably slightly below the waist (Colombo, column 2 line 68- column 3 line 5).

With respect to claim 6, Alvey as modified does not disclose a lip on the distal end of the cargo member. Colombo et al. teaches a cargo support seat 12 with a lip at the end opposite the end connected to the belt (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to include a lip on the cargo support member of Alvey as modified to help prevent precious cargo from falling off.

### ***Response to Arguments***

5. Applicant's arguments filed 3/7/07 have been fully considered but they are not persuasive. The vertical member and cargo support member of Alvey are integrally formed. The combination of certain aspects of the invention of Roberts with the device of Alvey is suggested in the patent of Roberts, as well as by functionality considerations, as cited in paragraph 2 above. A combination of the two references as described in the paragraphs above includes the cargo support surface of Alvey, which would be quite capable of performing the intended function of the Alvey device: supporting the elbows

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of the user. Likewise, the combination of the two devices above does not combine the vertical member of Roberts into the device of Alvey, retaining the integral formation of the Alvey device.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1:136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo



NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER